

## **REMARKS/ARGUMENTS**

The final office action of March 16, 2009 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 61-65 remain in this application. Claims 1-60 have been previously canceled.

### **Rejections under 35 U.S.C. § 103**

Claims 61-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 4,816,904 to McKenna et al. (“McKenna”) in view of U.S. patent no. 5,155,591 to “Wachob”. Applicant respectfully traverses this rejection.

The action acknowledges that McKenna does not teach or suggest a group assignment rules processor engine or managing group assignment rules as called for in independent claims 1 and 64. To overcome this deficiency, the action relies on Wachob.

Contrary to the action’s assertion however, Wachob does not teach or suggest managing group assignment rules by processing any input from the viewer to locally modify or override any of the *remotely assigned* group assignment rules associated with the viewer’s set top terminal. As correctly interpreted by the action at page 2,

Wachob teaches a system wherein a user would be require to input data relating to their demographic before any other commands to the device could be entered (column 5, lines 61-64).

Stated differently, a user inputs their demographic data to a set top converter to identify (assign themselves) to a demographic (e.g., female). Even assuming, but not admitting, that the action’s contention on page 3 of the action that a user can modify their assigned demographic profile is valid, the user merely modifies a locally user assigned group demographic as opposed to a remotely assigned group demographic. Indeed, all demographics are locally input in Wachob. As such, Wachob lacks a teaching or suggestion of locally modifying or overriding any of the *remotely assigned* group assignment rules associated with the viewer’s set top terminal. Thus, the alleged combination of McKenna and Wachob even assuming, but not conceding, its propriety does not result in either the claim 61 or claim 64 combination of features.

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Claims 62 and 63, which depend from claim 61, and claim 65, which depends from claim 64, are patentably distinct from the applied art for the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
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Dated: June 16, 2009

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